

AMENDED IN ASSEMBLY JANUARY 5, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 413**

**Introduced by Assembly Member Yee**

February 15, 2005

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~~An act to add Section 19961.5 to the Business and Professions Code, relating to gaming. An act to add Section 7350.1 to the Business and Professions Code, relating to barbering and cosmetology.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 413, as amended, Yee. ~~Local gaming: Texas Hold'em. Barbering and cosmetology: equipment.~~

*Under existing law, the Barbering and Cosmetology Act, the State Board of Barbering and Cosmetology licenses and regulates persons engaged in the practice of barbering and cosmetology, which includes the practice of providing manicures and pedicures.*

*This bill would require the board to adopt regulations on or before July 1, 2007, that set forth standards and requirements for the use of multiuse tools and equipment for manicures and pedicures, including equipment that holds water for pedicures. The bill would require these standards to be kept current with specified state and federal agency standards. The bill would also require the board to establish penalties for violations of these regulations and to develop consumer notices, as specified, to be displayed in establishments providing manicure and pedicure services.*

~~The Gambling Control Act provides for the licensure and regulation of various legalized gambling activities and establishments by the California Gambling Control Commission and the enforcement of those activities by the Division of Gambling Control within the~~

~~Department of Justice. Existing law permits local governments to enact, amend, and enforce any ordinance related to licensed gambling establishments that is not inconsistent with those provisions. Existing law prohibits, except as specified, any amendment to any ordinance that would result in an expansion of gambling in the city, county, or city and county unless the amendment is submitted for approval, and approved by, the voters of that jurisdiction.~~

~~This bill would specify that notwithstanding those provisions, a city or county, which authorized the play of the card game Texas Hold'em prior to January 1, 2005, may allow the game to be played as a no limit game, thereby allowing a player to bet all of his or her chips at any time.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     *SECTION 1. Due to the recent outbreaks of serious infections*
- 2     *and the lack of standards for the proper disinfection of multiuse*
- 3     *tools and equipment for manicures and pedicures, including*
- 4     *equipment that holds water for pedicures, in California, it is*
- 5     *imperative that the safety of manicure, pedicure, and all patrons*
- 6     *of establishments providing manicure and pedicure services be*
- 7     *assured. This can only be accomplished with the adoption of*
- 8     *regulations that will not only require, but will also ensure that*
- 9     *proper safety requirements are followed.*
- 10    *SEC. 2. Section 7350.1 is added to the Business and*
- 11    *Professions Code, to read:*
- 12    *7350.1. (a) The board shall adopt regulations on or before*
- 13    *July 1, 2007, that set forth standards and requirements for the*
- 14    *use of multiuse tools and equipment for manicures and*
- 15    *pedicures, including equipment that holds water for pedicures,*
- 16    *that do all of the following:*
- 17    *(1) Establish minimum safety specifications for multiuse tools*
- 18    *and equipment, including equipment that holds water for*
- 19    *pedicures.*
- 20    *(2) Require the use of disinfectant solutions registered at a*
- 21    *level for instrument disinfection by the U.S. Environmental*
- 22    *Protection Agency (EPA) and the Department of Pesticide*
- 23    *Regulation (DPR).*

1     (3) *Establish proper protocols for disinfecting, with*  
2 *disinfectant solutions as specified in paragraph (2), all multiuse*  
3 *tools and equipment, including equipment that holds water for*  
4 *pedicures, between patrons in all establishments providing*  
5 *manicure and pedicure services, to include, but not be limited to,*  
6 *the following:*

7     (A) *Disinfectant solutions shall be affixed with a product label,*  
8 *as required by the EPA and the DPR, which shall include*  
9 *instructions or directions for use on all multiuse tools and*  
10 *equipment, including equipment that holds water for pedicures.*

11     (B) *Except as provided in paragraphs (C), (D), and (E),*  
12 *disinfection shall comply with the instructions or directions for*  
13 *use as specified on the product label for disinfectant solutions.*

14     (C) *The time of contact of the disinfectant solution with the*  
15 *multiuse tools and equipment, including equipment that holds*  
16 *water for pedicures, shall be no less than 10 minutes.*

17     (D) *Disinfection shall be by complete immersion on nonporous*  
18 *items such as, but not limited to, cuticle nippers, pushers, electric*  
19 *file bits, and nail files.*

20     (E) *All equipment that holds water for pedicures shall be*  
21 *cleaned of all visible debris and residue after use of each patron*  
22 *with a surfactant detergent or an EPA registered one-step*  
23 *disinfectant solution containing surfactant detergents, and then*  
24 *disinfected by circulating, where applicable, or to remain in wet*  
25 *contact with all surfaces of the pedicure equipment, regardless of*  
26 *mechanical configuration, the correct dilution of the disinfectant*  
27 *solution throughout the equipment for 10 minutes. Automated*  
28 *systems for cleaning and disinfecting in accordance with this*  
29 *provision are acceptable.*

30     (F) *For purposes of this section, equipment that holds water*  
31 *for pedicures, includes whirlpool spas, automated systems for*  
32 *cleaning and disinfecting, pipeless whirlpool spas, footbaths,*  
33 *basins, tubs, sinks, and bowls.*

34     (G) *For purposes of this section, multiuse tools and*  
35 *equipment, includes, but is not limited to, nonporous items.*

36     (4) *Establish procedures to ensure the proper and safe*  
37 *operation of multiuse tools and equipment including equipment*  
38 *that holds water for pedicures.*

39     (5) *If the appropriate technology is available, establish*  
40 *minimum safety specifications and other requirements for the*

1 manufacture of new whirlpool pedicure equipment and the  
2 modification of existing whirlpool equipment.

3 (6) Establish accountability procedures and notification  
4 requirements to patrons that proper cleaning and disinfection  
5 procedures have been followed on all multiuse tools and  
6 equipment, including equipment that holds water for pedicures,  
7 prior to providing any manicure or pedicure service.

8 (b) The board shall keep disinfection standards and protocols  
9 current with the standards set by the State Department of Health  
10 Services, the EPA, and the United States Centers for Disease  
11 Control and Prevention.

12 (c) (1) The board shall also establish, pursuant to Section  
13 125.9, penalties for licensees and establishments that violate  
14 regulations adopted pursuant to this section.

15 (2) The board shall develop a notice to be prominently  
16 displayed in establishments providing manicure and pedicure  
17 services that advises patrons not to shave or wax their legs prior  
18 to a pedicure and not to have a pedicure if they have any open  
19 wounds in or near their feet or legs.

20 (3) The board shall conspicuously display a notice in a  
21 violator's place of business or employment if any or all of the  
22 following occurs:

23 (A) The board has revoked, suspended, or denied a license to  
24 operate an establishment providing manicure and pedicure  
25 services.

26 (B) The board has assessed a fine or penalty, has issued a  
27 citation, or taken other disciplinary action against the operator  
28 of an establishment providing manicure and pedicure services.

29 (C) An operator of failed to prominently display the consumer  
30 notice as specified in paragraph (2) of this subdivision.

31 (d) The board, in adopting regulations pursuant to this  
32 section, is protected by the immunities applicable to public  
33 entities and public employees governed by Part 1 (commencing  
34 with Section 810) and Part 2 (commencing with Section 814) of  
35 Division 3.6 of Title 1 of the Government Code.

36 ~~SECTION 1. Section 19961.5 is added to the Business and~~  
37 ~~Professions Code, to read:~~

38 ~~19961.5. Notwithstanding Sections 19960, 19961, and 19962,~~  
39 ~~a city or county, which authorized the play of the card game~~  
40 ~~Texas Hold'em prior to January 1, 2005, may allow the game to~~

- 1 be played as a “no limit” game, allowing a player to bet all of his
- 2 or her chips at any time.

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